
**Award
NASD Dispute Resolution**

In the Matter of the Arbitration:

Michael Glen Hill,

Claimant

Case No. 02-07413

Lori Ann Clem,

Respondent.

Hearing Site: Dallas, Texas

Nature of the Dispute: Associated Person v. Associated Person

REPRESENTATION OF PARTIES

Claimant: Michael Glen Hill, hereinafter referred to as Claimant. Attorney - None.
Claimant was Pro Se.

Respondent: Lori Ann Clem, hereinafter referred to as Respondent. Attorney - Randall M. Foret, Esq. Secore & Waller, LLP, 3 Forest Plaza, Suite 1100, 12221 Merit Drive, Dallas, TX 75251.

CASE INFORMATION

Statement of Claim filed: December 4, 2002.

Claimant signed the Uniform Submission Agreement on: December 5, 2002.

Statement of Answer filed by Respondent on: May 27, 2003.

Respondent signed the Uniform Submission Agreement: April 23, 2003.

Supplements to Respondent's Statement of Answer filed: June 16, 2004.

Respondent's Motion to Abate and/or Motion for Continuance filed: October 8, 2004.

Claimant's Response to Respondent's Motion to Abate and/or Motion for Continuance filed: October 19, 2004.

Claimant's Motion to Disqualify Counsel filed: October 19, 2004.

Respondent's Response to Claimant's Motion to Disqualify Counsel filed: October 22, 2004.

Respondent's Supplemental Answer filed: October 26, 2004.

Respondent's Motion for Leave to File Supplemental Answer filed: October 26, 2004.
Respondent's Renewed Motion to Abate Hearing filed: October 27, 2004.

CASE SUMMARY

Claimant asserted:

An agreement ("oral") between Lori Clem and Wealth Advisory Counsel; seeking \$11,353.81 in specific expenses and then an additional amount, unspecified, for a total of \$23,821.83. Claimant's cause of action was alleged to be the breach of an oral agreement.

Respondent denied all of the allegations made in the Statement of Claim and asserted Affirmative Defenses of Accord and Satisfaction, Estoppel, Release, Res Judicata and/or Collateral Estoppel; Statute of Frauds; Statute of Limitations, and Waiver.

RELIEF REQUESTED

Claimants requested \$11,353.81 arising out of the breach of the oral agreement; \$2,583.00 in attorney's fees; \$6,385.02 on Commissions and \$3,500 in punitive damages for a total of \$23,821.83.

Respondent requested attorney's fees to Secore & Waller of \$9,386.74 and other attorney's fees of \$22,674.98 for a total of \$32,061.72, plus all forum fees and costs.

OTHER ISSUES CONSIDERED AND DECIDED

On October 26, 2004, the Arbitrator denied Respondent's Motion to Abate or Continue. In addition, the Arbitrator denied Claimant's Motion to Disqualify counsel.

On October 28, 2004, NASD Dispute Resolution declined to abate the hearing scheduled for November 1, 2004.

At hearing, the Arbitrator heard argument regarding Respondent's Motion for Leave to File Supplemental Answer. The Arbitrator determined that the Motion would be granted.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Any and all claims of Michael Glen Hill, Claimant, are hereby denied;
2. The Claimant's request for punitive damages, and in the amounts of money, cost or forum fees is hereby denied;

3. Respondent is awarded the recovery of attorney's fees in the amount of \$9,386.74, plus additional attorney's fees of \$11,000 for a total of \$20,386.74;
4. All remaining costs of arbitration shall be borne by the party incurring the cost, except for those sums specifically enumerated in this decision; and,
5. Any and all relief not specifically addressed herein is denied.

The claim, allegation, or information as submitted by Claimant is factually impossible or clearly erroneous.

FEES

Pursuant to the Code the following fees are assessed:

Filing Fees:

Initial claim filing fee = \$ 125.00

Adjournment Fees

Hearing Date of July 20, 2004 by both parties = \$ 450.00
Divided equally between parties.

Forum Fees and Assessments

The Arbitrator has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator(s), including a post-hearing conference with the Arbitrator that lasts four hours or less. Fees associated with these proceedings are:

Two (2) Pre-Hearing Sessions @ \$450.00 = \$ 900.00

| | | |
|-------------------------|---------------|-----------|
| Pre-Hearing Conference: | July 8, 2003 | 1 session |
| | April 2, 2004 | 1 session |

Two (2) Hearing sessions @ \$450.00 = \$ 900.00

Hearing Date: November 1, 2004 2 sessions

Total Forum Fees = \$ 1,800.00

The Arbitrator assessed all forum fees against the Claimant, Michael Glen Hill.

FEE SUMMARY

Claimant Michael Glen Hill is solely liable for:

| | |
|-------------------------------------|---------------|
| Initial Filing Fee | = \$ 125.00 |
| Adjournment Fee | = \$ 225.00 |
| Forum Fees | = \$ 1,800.00 |
| Total Fees | = \$ 2,150.00 |
| Less payments | = \$ 600.00 |
| Balance Due NASD Dispute Resolution | = \$ 1,550.00 |

Respondent Lori Ann Clem is solely liable for:

| | |
|-------------------------------------|-------------|
| Adjournment Fee | = \$ 225.00 |
| Less payments | = \$ 225.00 |
| Balance Due NASD Dispute Resolution | = \$ 0.00 |

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Michael E. Rohde, Esq. - Industry Arbitrator and Presiding Chairperson

Arbitrator's Signature



Michael E. Rohde, Esq.
Industry Arbitrator
Presiding Chairperson

Date: 11/11/04

11-11-04

Date of Service: (For NASD Dispute Resolution use only)